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USE OF THIS MANUAL

The Adult Sentencing Guidelines Manual provides comprehensive information for criminal justice practitioners, public officials and citizens on adult felony sentencing in Washington State. This manual offers specific guidance on how to determine the appropriate standard sentence range for an offense by identifying the seriousness level of the offense and by “scoring” the offender’s criminal history. This manual also lists and describes all current sentencing options available under the law and discusses the review and modification of sentences and the discharge and vacation of conviction records. To aid judges, prosecutors, defense attorneys and other criminal justice professionals, this manual also includes numerous forms for use in “scoring” an offender’s criminal history.

Adult felony sentencing in Washington is governed by the Sentencing Reform Act (SRA) of 1981, RCW Chapter 9.94A, as amended. This manual includes the text of the SRA, commentaries to the amendments to the SRA and also a digest prepared by the Attorney General of Washington of recent appellate and Supreme Court decisions interpreting and affecting the meaning of the SRA. Those interested in a comprehensive legal analysis of the SRA are advised to read *Sentencing in Washington*, by David Boerner (Butterworth Legal Publishers) and the 1996 supplement to *Washington Practice Volume 13A: Criminal Law*, by Seth Aaron Fine (West Publishing Co.).

This edition of the Adult Sentencing Guidelines Manual is updated to reflect amendments to the SRA by the 1999 Legislature. Users of this manual should retain earlier editions for guidance on offenses committed prior to the effective dates of legislation enacted by the 1999 Legislature.

The Commission would like to acknowledge the contributions of many individuals to the 1999 edition of the Adult Sentencing Guidelines Manual. Members of the Commission, chaired by David Boerner, have provided support and leadership. The Office of the Code Reviser has also provided valuable assistance. The Commission would also like to acknowledge the numerous suggestions for improvements and additions to the manual received throughout the year from attorneys, judges and criminal justice professionals. The Commission welcomes further suggestions of ways the manual can be made easier to use.

Copies of the 1996 through 1999 Adult Sentencing Guidelines Manuals are available electronically on the Commission’s website at:

<http://www.sgc.wa.gov>

Comments or suggestions related to this manual or to any other Commission publications should be directed to:

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INTRODUCTION

Adult offenders who commit felonies on or after July 1, 1984 are subject to the provisions of the Sentencing Reform Act of 1981, as amended (SRA). The enabling legislation, RCW Chapter 9.94A, contains guidelines and procedures used by a court to impose sentences. The SRA is based on a determinate sentencing model and eliminates extensive periods of parole and probation. When substantial and compelling reasons exist, sentences outside the presumptive ranges may be imposed by the court. Sentences that depart from the standard presumptive ranges must meet certain requirements and may be appealed by either the prosecutor or the defendant.

The goal of Washington's sentencing guidelines system is to ensure that offenders who commit similar crimes and have similar criminal histories receive equivalent sentences. Presumptive sentencing schedules are structured so that offenses involving greater harm to a victim and to society result in greater punishment. The guidelines apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or to a defendant's previous criminal record.

The Sentencing Guidelines Commission developed the initial set of guidelines and continues to advise the Legislature on necessary adjustments. The Commission consists of twenty voting members, sixteen of whom are appointed by the Governor. Those sixteen appointed members include: four Superior Court judges; two defense attorneys; two elected county prosecutors; four citizens (one of whom is a victim of crime or a crime victims' advocate); one juvenile court administrator; one elected city official; one elected county official; and the chief of a local law enforcement agency. There are four *ex-officio* voting members: the Secretary of the Department of Corrections; the Director of the Office of Financial Management; the Assistant Secretary of the Department of Social and Health Services' Juvenile Rehabilitation Administration; and the Chair of the Indeterminate Sentence Review Board. The Speaker of the House of Representatives and the President of the Senate each appoint two nonvoting members to the Commission, one from each of the two largest caucuses in each house.

In order to advise the Legislature, the Commission requires accurate information on felony offenders, their crimes and the sentences imposed under the Sentencing Reform Act. This information is derived from copies of Judgment and Sentence forms sent by the Superior Court clerks from all 39 counties in the state. Any case involving an exceptional sentence must include written Findings of Fact and Conclusions of Law. A computerized database allows the Commission to produce descriptive information on sentences and also to analyze the effects of changes in the law on prison and jail populations.

The Commission also prepares statistical summaries of sentencing practices under the Sentencing Reform Act and numerous other reports and studies related to felony sentencing in the state. If you have questions about the guidelines, if you wish to be notified of Commission meetings or if you desire copies of minutes from Commission meetings or of any other Commission publication, please contact the Commission office. The Commission appreciates any comments or suggestions related to the Adult Sentencing Guidelines Manual or to any other Commission publication.

